

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EFRAIN SANCHEZ
Plaintiff,

v.

OFFICER GRIPE, OFFICER ALEMAN, OFFICER
O'KEEFE, OFFICER LIEU, OFFICER HEISLER,
OFFICER KRATOVICH, NURSE FISHER,
ADMINISTRATOR BROSIOS, and Unknown
Agents.

o Civil Action.

o (Jury Trial Demand)

o (Bivens Civil Action Complaint)

FILED
HARRISBURG, PA

JUN - 2 2021

PER
DEPUTY CLERK

Plaintiff's Civil Action Bivens
Complaint For Violations OF 1983
Constitutional Violations

Now comes, Plaintiff Efrain Sanchez prose pursuant to the U.S. Supreme Courts Authority of Bivens v. six unknown Federal Narcotics Agents, 403 U.S. 388, 91 S.Ct. 1999, 29 L. Ed. 2d 619 (1971), Filing the within Federal Civil Action Against Federal employee's acting under color of Federal law while violating Plaintiff's Constitutional Rights to be free from cruel, and unusual punishment, denial of Adequate Medical Attention, and excessive Force under the 4th, 8th, and 14th Amendment of the U.S. Constitution.

Jurisdiction

(1) This court has jurisdiction pursuant 28 U.S.C. 1331, and 28 U.S.C. 1332, and 42 U.S.C. 1983.

Parties

(2) Plaintiff, Efrain Sanchez # 77393-054 was a Federal prisoner at F.C.I. Schuylkill, P.O. Box 759. Minersville, PA 17954 at the time of the events.

(3) Unit Manager Gipe was employed by the Federal Bureau Of Prisons as unit manager at the time of events, P.O. Box 700 Minersville, PA 17954, and being sued in the individual capacity.

(4) Officer Aleman was employed by the Federal Bureau Of Prisons as a correctional staff/Facilities staff at the time of the events, P.O. Box 700 Minersville, PA 17954, and being sued in the individual capacity.

(5) Officer O'Keefe was employed by the Federal Bureau Of Prisons as a correctional staff at the time of the events, P.O. Box 700 Minersville, PA 17954, and being sued in the individual capacity.

(6) Officer Lieu was employed by the Federal Bureau Of Prisons as a correctional staff at the time of the events, P.O. Box 700 Minersville, PA 17954, and being sued in the individual capacity.

(7) Officer Heisler was employed by the Federal Bureau Of Prisons as a correctional staff at the time of the events, P.O. Box 700 Minersville, PA 17954, and being sued in the individual capacity.

(8) Officer Kratovich was employed by the Federal Bureau Of Prisons as a correctional officer at the time of the events, P.O. Box 700 Minersville, PA 17954, and being sued in the individual capacity.

(9) Nurse Fisher was employed by the Federal Bureau Of Prisons as a medical staff at the time of the events, P.O. Box 700 Minersville, PA 17954, and being sued in the individual capacity.

(10) Medical Administrator Brosious was employed by the Federal Bureau Of Prisons at the time of the events, P.O. Box 700 Minersville, PA 17954, and being sued in the individual capacity.

Exhaustion Of Administrative

Remedies

(11) Plaintiff did request Administrative Remedy Forms from his Unit Team multiple times, and was threatened with being assaulted by Unit Manager Mahoney and Counselor Sones between 5/14/2021 and 5/18/2021.

(2)

if he persisted on asking for Administrative Remedy Forms during Administrative segregation rounds. Plaintiff was repeatedly denied Administrative Remedy Forms.

Statement OF Facts

(12) On 5/11/2021 at approximately 12:00 pm Plaintiff was kicked out of the RDAP drug treatment program in F.C.I. Schuylkill Unit 1-A. Further, at approximately 12:30 pm Officer Lieu told Plaintiff, "You have to pack your property and be out of the unit before the 4:00 pm count to go to Unit 4-A," however at about 1:30 pm Officer Lieu & O'Keefe came to the Plaintiff's cell. Officer Lieu stated, "Hurry the fuck up and pack your things, and why do you keep having people come to your cell?" Plaintiff replied, "I watch your mouth, I'm not cursing or disrespecting you, so don't disrespect me," defendant Lieu responded, "Okay just hurry the fuck up and pack your things." Plaintiff replied, "Okay, I don't ^{know} why you're trying to rush me it's only 1:30 pm, I'm packing my stuff, I can't control people coming to speak to me, it's not like I'm getting any help." Officer Lieu states, "Just hurry the fuck up Sanchez."

(13) Approximately five minutes later Officer Lieu, O'Keefe, and Unit Manager Gipe came to the Plaintiff's cell as he continued packing his property, the defendant Gipe states, "What seems to be the issue with you packing your property Sanchez?", Plaintiff responds, "I'm packing my stuff as fast as possible, I don't have any help." Defendant Gipe then steps into Plaintiff cell and face, and says, "Just hurry up and pack your stuff before I pack it for you, you dick head, you're always giving my officer's a hard time, if I have to come back, I'm going to beat your stupid ass," Plaintiff responds, "Yes sir, yes sir, I got you sir." Defendant then says, "That's more like it, now hurry up, you have 10 minutes to be packed up or I'm packing your shit for you"

(14) Further, as defendant Gipe is walking out of the Plaintiff's cell, the Plaintiff started clapping his hands while saying, "Yes master, I got you bossman," Defendant Gipe then turns around and says, "You know what smart ass, come to the middle so I can show you who bossman really is." The three defendants Mr. Gipe, Mr. Lieu, and Mr. O'Keefe all escort the Plaintiff to the middle which is the Unit Team Office area.

(15) The Plaintiff was ordered to enter the Case Manager Ms. Reyes' office where there are no video surveillance cameras. But before entry he saw Dr. Green from psychology department in her office, and yelled, "Dr. Green please help me I'm being harassed, Dr. Green I'm being harassed please help me," however Dr. Green made eye contact with the Plaintiff but did not move or say anything. Defendant Gipe then pushed the Plaintiff into Ms. Reyes' office after he went to close Dr. Green's office door, and told Plaintiff to sit down to which the Plaintiff complied, however Plaintiff then stood up in attempt to speak to defendant Gipe as he (defendant Gipe) is walking out of the office.

(16) Further, defendant Lieu stated, "Hey what are you doing?", Plaintiff responded, "I'm just trying to talk to Gipe real quick, I don't want things to turn out negative like it's going"

(17) Defendant Gipe then turns around and says, "Didn't I fucking tell you to sit down", however as defendant Gipe says this he hits the Plaintiff on the right side of the Plaintiff's face with a closed fist, defendant Gipe grabbed the Plaintiff by the upper body, and defendant Lieu & O'Keefe all began to punch the Plaintiff in the head, upper body and face before slamming him to the floor as the defendant's jumped on his back before being taken all the way down. DTS Cramer arrived and assisted in the take down. As the Plaintiff lays on the floor Gipe, Lieu, O'Keefe, Cramer & Aleman jumped on his back, cuffed and shackled him.

(18) Approximately, ~~the~~ two to three minutes later at least ten officers arrive in the office, however defendant Aleman began to bend the

Plaintiff's wrist to the point where they almost touched his neck, the Plaintiff screams, but Aleman told him, "If you don't shut the fuck up I'll break them." Then Counselor Sones from Unit 4 puts his knee on the back of the Plaintiff's neck making it hard for him to breathe. (99) Further, the Plaintiff is saying, "I can't breathe, get your knee off of my neck", as he's saying this the Captain enters Ms. Reyes' office, and the Plaintiff says, "Yo Captain they're trying to kill me ~~you~~ tell them to get off of me." The Captain walks right out of the office and then the Counselor from Unit 4 Mr. Sones says, "Shut the fuck up, don't you realize nobody in this room cares if you live or die."

(100) The Plaintiff was then picked up by his cuffs and subsequently escorted out of building 1-A by defendant Aleman, Counselor Sones and an unknown staff member. While being escorted defendant Aleman began to bend the Plaintiff's cuffed wrist to the point of numbness and excruciating pain while stating, "You hit one of my coworkers you fucking monkey." As the Plaintiff began to scream again from the pain in his wrist being bent. Plaintiff heard Lieutenant Brassad say, "The camera's are about to get turned on, so if you don't want to be on camera move to the side because there's questions that's going to need answers." Plaintiff's right and left wrist were both swollen & scared, he also lost feeling in his left hand. Further, the three defendants slammed the Plaintiff on the cement ground in front of Unit 1-A knocking the wind out of his body, and pushed his forehead into the cement resulting in scrapes, abrasions and contusions to the face and forehead.

(21) Plaintiff remained on the ground as defendant Aleman stated, "Yeah this is for my co-worker that you scratched." As defendant Aleman began to bend the Plaintiff cuffed wrist a third time as staff put him on an orange gurney with his hands cuffed behind his back. Defendant Aleman bended the Plaintiff cuffed wrist all the way across the

prison compound to the medical facility.

(22) Plaintiff was taken to medical where the handcuffs were switched from the back to the front, with a chain wrapped around his waist with restraints. Plaintiff sat in medical with defendant Nurse Fisher, Lt. Brassard and Counselor Sones. Plaintiff asked defendant Fisher, "Can you take the cuffs off, I can't feel my left hand?", to which defendant Fisher says, "That's not up to me it's up to the Lt.", "but what injuries do you have?". Plaintiff stated, "My neck, wrist, jaw, back, shoulder, forehead and ribcage hurt." Defendant Fisher asked, "On a scale from 1-10, 10 being the worst pain, how does your wrist feel?" Plaintiff responded, "A 10 because the cuffs are too tight, and officer Aleman was bending my wrist."

(23) Defendant Fisher then asks Plaintiff, "What about your jaw?", Plaintiff replied, "Like a 7, because while I'm talking to you my jaw bone skips and pops like it's broken" "my ribs hurt when I take a deep breath like they're fractured, my neck and back is extremely in pain from the officer's jumping on my back and putting their knees on me." Defendant Fisher only checked Plaintiff's blood pressure and put a thermometer in the Plaintiff's mouth.

(24) Plaintiff was subsequently placed in the Special Housing Unit cell 209 without receiving any medical treatment for the alleged medical injuries.

(25) Plaintiff was left in security restraints for approximately (twenty hours) that were egregiously tight, and fastened low chained to the waist area making it impossible to scoop the food out of the tray and into his mouth. Plaintiff expressed complaints to Lt. Igoe, CO Heisker, and CO. Kratovich which they all ignored.

Excessive Force

(26) Plaintiff, avers that defendant Gipe is liable to him under the Fourth, Eighth and Fourteenth Amendment of the U.S. Constitution for punching Plaintiff with a clenched fist to the right side of the face in Unit 1-A Case Manager's Office. 05/11/2021 approximately 1:30 pm through 2:30 pm. (See;

Paragraph (17) Statement of Facts)

(27) Plaintiff, avers that defendant Lieu is liable to him under the Fourth, Eighth, and Fourteenth Amendment of the U.S. Constitution for punching Plaintiff repeatedly to the upper body, and jumping on the Plaintiff's back while Plaintiff was being assaulted in Unit 1-A Case Manager's Office.

05/11/2021 approximately 1:30 pm through 2:30 pm (See: Paragraph (17) Statement of Facts)

(28) Plaintiff, avers that defendant O'Keefe is liable to him under the Fourth, Eighth and Fourteenth Amendment of the U.S. Constitution for punching Plaintiff repeatedly to the upper body, and jumping on the Plaintiff's back while Plaintiff was being assaulted in Unit 1-A Case Manager's Office.

05/11/2021 approximately 1:30 pm through 2:30 pm (See: Paragraph (17) Statement of Facts)

(29) Plaintiff, avers that defendant Aleman is liable to him under the Fourth, Eighth and Fourteenth Amendment of the U.S. Constitution for egregiously twisting, and bending Plaintiff's cuffed wrist in Case Management Office, in the front of 1-A Unit, and on the route to medical, slamming plaintiff's head to the ground and jumping on his back in Case management office. 05/11/2021 approximately 1:30 through 2:30 pm (See: Paragraphs (17), (18), (20), and (21) Statement of Facts).

Cruel and Unusual punishment

Deliberate Indifference

(30) Plaintiff, avers that Lt. Igoe is liable to him under the Eighth Amendment of the U.S. Constitution by completely ignoring his pleas for help when informing that the shackles, chain and waist mechanism was too tight, and fastened too low to lift spork to his mouth for approximately twenty hours to eat his meals. (See: Paragraph (25) Statement of Facts)

(31) Plaintiff, avers that defendant Heisler is liable to him under the Eighth Amendment of the U.S. Constitution by completely ignoring his pleas for help when informing that the shackles, chain and waist mechanism was too tight, and fastened too low to lift spork to his mouth for approximately twenty

hours to eat his meals. (See: Paragraph (25) Statement OF Facts).

(32) Plaintiff, avers that defendant Kratovich is liable to him under the Eighth Amendment of the U.S. Constitution by completely ignoring his pleas for help when informing that the shackles, chain, and waist mechanism was too tight, and fastened too low to lift the spork to his mouth for approximately twenty hours to eat his meals. (See: Paragraph (25) Statement OF Facts).

Failure to Provide Reasonable Adequate Medical Care

(33) Plaintiff, avers approximately 05/14/2021, executive staff made rounds. Plaintiff spoke to the medical administrator Mr. Brosious, and informed defendant Brosious that he was assaulted by staff, and wanted medical treatment for his injuries and photographs taken. Defendant Brosious stated, "photographs were taken of your injuries when the situation first occurred, ask SIS for them." Plaintiff then replied, "How come I didn't get properly medically assessed once I was taken out of restraints?" The defendant responded, "Maybe if you didn't assault staff you would get the proper medical attention you need." Plaintiff replied, "Oh, so you're doing the same thing everybody else is doing, trying to cover up the fact that I was assaulted", the defendant shook his head up and down replying, "Yes".

Requested Relief For Damages

(1) Plaintiff, request permanent injunction stating that excessive force, denial of medical treatment, and cruel & unusual treatment violated Plaintiff's Fourth, Fifth, and Fourteenth amendment right under Federal constitution, and eighth amendment.

(2) Plaintiff, request declaration stating that excessive force, denial of medical treatment, and cruel & unusual treatment by defendants to Plaintiff violated the Fourth, Fifth, and Fourteenth amendment rights under Federal constitution, and eighth amendment.

(3) Plaintiff, request Jury Trial demand.

(4) Plaintiff, request punitive damages in excess ~~of~~ of minimum amount required to trigger jurisdiction.

(5) Plaintiff, request compensatory damages in excess of minimum amount required to trigger jurisdiction.

(6) Plaintiff, request nominal damages in excess of minimum amount required to trigger jurisdiction.

(7) Plaintiff, request defendants pay all legal expenses associated with filing, and execution of litigation.

Execution

Plaintiff, executed the within civil action Bivens complaint while housed at Federal Correctional Institution Schuylkill, P.O. Box 759. Minersville, PA 17954.

Penalty OF Perjury

Plaintiff, do solemnly swear pursuant to Penalty of Perjury that the above statements are accurate, and true to the best of my knowledge, and ability, pursuant to 28 U.S.C. 1746,

Respectfully Submitted

Yvain Sanchez

#77393-054

Date: 05/23/2021

P.O. Box 759

F.C.I. Schuylkill

Minersville, PA 17954

Office of Court Clerk
228 Walnut St. P.O. Box 983
Harrisburg, PA 17108

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HARRISBURG, PA

JUN - 2 2021

Mr. Efrain Sanchez
77393-054
P.O. Box 759
F.C.I. Schuylkill
Minersville, PA 17954

PER *[Signature]*
DEPUTY CLERK

Honorable Judge:

Enclosed you'll discover a civil Bivens complaint against defendant's that violated my rights by physical assault, excessive force, and failure to provide adequate medical care. Moreover, I'm presently housed in a federal correctional facility accused of assaulting staff members, but the truth is that I am the one that was assaulted, and want to press charges. See (Bivens Statement OF Facts). I'm requesting that the matter be referred to a federal, and state attorney's office, and the state police so that I can press charges against them. Thank you in advance for your time, patience, and professionalism.

I do solemnly swear pursuant to penalty of perjury that the above statements are accurate, and true to the best of my knowledge and ability, 28 U.S.C 1746

Respectfully Submitted
Efrain Sanchez
77393-054

Date: 05/23/2021

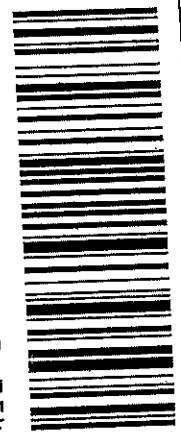
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